

ALD-103

JANUARY 22, 2010

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **10-1060**

SUZANNE VENEZIA,
Appellant

v.

WILLIAM PENN SCHOOL DISTRICT

(E.D. Pa. Civ. No. 06-cv-04713)

Present: SLOVITER, AMBRO AND SMITH, Circuit Judges

Submitted are:

- (1) By the Clerk for possible dismissal due to untimeliness;
- (2) Appellant's response filed January 9, 2010;
- (3) Appellant's concise summary of the case; and
- (4) Appellant's letter filed January 11, 2010

in the above-captioned case.

Respectfully,

Clerk

MMW/JLR/jw

SUZANNE VENEZIA

v.

WILLIAM PENN SCHOOL

DISTRICT

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ORDER

Appellant seeks to appeal the District Court's December 15, 2006, order dismissing her complaint and August 19, 2009, order denying her motion to reopen the judgment. Appellant's notice of appeal was not filed until December 18, 2009, beyond the applicable 30-day periods for filing an appeal. See Fed. R. App. P. 4(a)(1)(A). Because the time requirement for filing a notice of appeal is mandatory and jurisdictional, Appellant's appeal is dismissed for lack of jurisdiction. Bowles v. Russell, 551 U.S. 205, 209 (2007). Appellant is unable to satisfy the time requirements of Federal Rule of Appellate Procedure 4(a)(5) for extending the time to appeal. Although Appellant asserts that she timely filed her notice of appeal for purposes of Federal Rule of Appellate Procedure 4(a)(6), that rule requires the filing of a motion to reopen the time to appeal and the time to file such a motion has passed. See Fed. R. App. P. 4(a)(6); Poole v. Family Court of New Castle County, 368 F.3d 263, 267-68 (3d Cir. 2004).



By the Court,

/s/ Dolores K. Sloviter
Circuit Judge

Dated: 27 January 2010

Marcia M. Waldron
Marcia M. Waldron, Clerk